

IN THE MATTER OF
KAREN SHELTON, P.T.
RESPONDENT

License Number: 17169

*** BEFORE THE STATE BOARD**
*** OF PHYSICAL THERAPY**
*** EXAMINERS**

*** * * * ***

CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (the "Board") charged Karen Shelton, P.T., (the "Respondent"), D.O.B.: 07/11/68, License Number: 17169, with violating certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Health Occ. Code Ann., §§ 13-101 et seq. (2000). Specifically, the Board charged the Respondent with violating the following:

H.O. § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

- (14) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (16) Violates any provision of this title or rule or regulation adopted by the Board;
- (20) Commits an act of unprofessional conduct in the practice of physical therapy;
- (26) Fails to meet accepted standards in delivering physical therapy care.

The Board also charged the Respondent with violating the following provisions of Code Md. Regs. tit. 10, § 38.03 (1999) Standards of Practice:

02. Standards.

The Board also charged the Respondent with violating the following provisions of Code Md. Regs. tit. 10, § 38.03 (1999) Standards of Practice:

02. Standards.

- A. The physical therapist shall exercise sound professional judgment in the use of evaluation and treatment procedures.

.02-1 Requirements for Documentation.

- A. As established by the American Physical Therapy Association of Maryland, and as approved by the Board, the physical therapist shall document the patient's chart as follows:

(1) For Initial visit:

- (a) Date,
- (b) Condition/diagnosis for which physical therapy is being rendered,
- (c) Onset,
- (d) History, if not previously recorded,
- (e) Evaluation and results of test (measurable and objective data),
- (f) Interpretation,
- (g) Goals,
- (h) Plan of care, and
- (i) Signature, title (PT), and license number;

(2) For subsequent visits

- (a) Date,
- (b) Modalities, procedures, etc.,
- (c) Cancellations, no-shows,

- (d) Response to treatment
 - (e) Signature and title (PT), with identifying signatures appearing on the patient's chart, although the flow chart may be initialed,
 - (f) Weekly progress or lack of it,
 - (g) Unusual incident/unusual response,
 - (h) Change in plan of care,
 - (i) Temporary discontinuation or interruption of services and reasons,
 - (j) Reevaluation, and
 - (k) If there is a physical therapist assistant, reevaluate and document as required by Regulation .02L of this chapter;
- (3) For discharge or last visit:
- (a) Date,
 - (b) Reason for discharge,
 - (c) Status at discharge,
 - (d) Recommendations for follow-up, and
 - (e) Signature and title.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was originally licensed on December 19, 1991.

2. At all times relevant to the charges herein, the Respondent was employed by North Arundel Hospital Home Care, located at 301 Hospital Drive, Glen Burnie, Maryland 21061. North Arundel Hospital Home Care ("North Arundel") provides at home health care, including physical therapy treatment to patients released from area hospitals.

3. Around August 1999, the Respondent was hired by North Arundel to provide physical therapy treatment to home bound patients. Although her patient load varied, the Respondent typically had approximately thirty (30) patients under her care. Most of the Respondent's patients were Medicare recipients.

4. After each patient visit, the Respondent was required to document and submit records pertaining to each patient's physical therapy care. The Respondent frequently failed to document and submit treatment records for the patients under her care, despite constant reminders from her supervisor.

5. During the week of February 7, 2000, the Respondent was scheduled to see several patients, however there is no documentation in the patient's treatment records that the Respondent treated or had any contact with patients scheduled for treatment on February 7th and 8th, 2000. In addition, the Respondent never gave her supervisor prior notice that she would be unable to see her patients on February 7th and 8th.

6. On February 9, 2000, the Respondent informed her supervisor that she was sick and would not be at work on February 9, 10, and 11, 2000. On February 14,

2000, the Respondent left a message on her supervisor's telephone informing her supervisor that she was resigning her position at North Arundel.

7. Despite numerous telephone messages and letters from her supervisor requesting that she submit outstanding patient records, the Respondent failed to document and submit outstanding records for the patients under her care.

8. The Respondent failed to document and submit patient records for Patients A through F as set forth below:

PATIENT A

9. Patient A, a 73 year old male, was referred to North Arundel after suffering a stroke to the left side of his brain. Patient A was initially evaluated by the Respondent on December 8, 1999. After the initial evaluation, the Respondent recommended to Patient A's physician that Patient A receive physical therapy treatment one day per week. Based on the Respondent's recommendation, Patient A's physician signed an order that authorized Patient A to receive physical therapy treatment one day per week.

10. During the week of December 8th, the Respondent provided physical therapy care to Patient A on two separate occasions, even though the physician's order indicated that Patient A was to receive physical therapy treatment only one day per week.

11. There is no documentation in Patient A's treatment records that the Respondent got a new order from Patient A's physician to reflect the change in the

frequency of Patient A's physical therapy treatment.

PATIENT B

12. Patient B, an 85 year old male, was referred to North Arundel following the amputation of his left leg. Patient B was initially evaluated by the Respondent on December 17, 1999. The Respondent provided physical therapy until February 4, 2000.

13. The Respondent failed to prepare and submit to her supervisor a plan of care for Patient B. The Respondent also failed to prepare and submit to her supervisor a case summary of the physical therapy treatment that she rendered to Patient B between January 7, 2000 and February 4, 2000.

PATIENT C

14. Patient C, a 38 year old female, was referred to North Arundel suffering from transverse myelitis. Patient C was initially evaluated by the Respondent on or about October 27, 1999. Patient C received physical therapy treatment from the Respondent 2-3 days per week. The Respondent ended Patient C's physical therapy treatment on December 17, 1999.

15. Although the Respondent ended Patient C's physical therapy treatment on December 17, 1999, there is no indication in Patient C's treatment records that the Respondent completed a discharge summary or informed Patient C's physician that Patient C was being discharged from physical therapy treatment.

PATIENT D

16. Patient D, an 87 year old female, was referred to North Arundel after suffering a stroke. Patient D was initially evaluated by the Respondent on December 29, 1999. Patient D received physical therapy treatment from the Respondent approximately 1-2 days per week.

17. Although Patient D's treatment ended on January 22, 2000, there is no indication in Patient D's treatment records that the Respondent completed a discharge summary or the Respondent informed Patient D's physician that Patient D was being discharged from physical therapy treatment.

PATIENT E

18. Patient E, a 61year old female was referred to North Arundel following a total replacement of her right knee. Patient E was initially evaluated by the Respondent on November 16, 1999. Patient E received physical therapy treatment from the Respondent approximately 2-3 days per week.

19. Although Patient E's treatment ended on December 28, 1999, there is no indication in Patient E's records that the Respondent completed a discharge summary or informed Patient E's physician that Patient E was being discharged from physical therapy treatment.

PATIENT F

20. Patient F, a 14 year old female was referred to North Arundel with a diagnosis of scoliosis. Patient F was initially evaluated by the Respondent on

September 9, 1999. Patient F received physical therapy treatment 1-2 days per week.

21. Patient F's treatment records reveal that the Respondent was scheduled to see Patient F for physical therapy on January 25, 2000. Patient F did not receive physical therapy treatment on January 25, 2000 and was not seen for physical therapy treatment until approximately two weeks later.

22. Patient F received her last physical therapy treatment from the Respondent on January 20, 2000. There is no documentation in Patient F's treatment records that explain the reason that the Respondent stopped Patient F's physical therapy treatment.

PATIENT G

23. Patient G, a 73 year old female, was referred to North Arundel suffering from hypertension and an unsteady gait. Patient G was initially evaluated by the Respondent on November 4, 1999. Patient G received physical therapy treatments 1-3 days per week. Patient G's last physical therapy treatment with the Respondent was December 20, 1999.

24. Although Patient G's treatment ended on December 20, 1999, there is no indication in Patient G's treatment records that the Respondent completed a discharge summary or informed Patient G's physician that Patient G was being discharged from physical therapy treatment.

PATIENT H

25. Patient H, a 79 year old female, was referred to North Arundel after a hip replacement. Patient H was initially evaluated by the Respondent on February 2, 2000. The Respondent recommended that Patient H receive physical therapy one day per week during the first week of physical therapy treatment, followed by 1-3 days per week

for eight weeks.

26. There is no documentation in Patient H's treatment records that the Respondent scheduled Patient H for physical therapy treatment or arranged for another physical therapist or physical therapy assistant to provide physical therapy treatment to Patient H.

PATIENT I

27. Patient I, a 73 year old male, was referred to North Arundel suffering from a perforated ulcer, end stage renal disease, osteo-arthritis, and gait impairment. Patient I was initially evaluated by the Respondent on December 9, 2000.

28. On or about January 13, 2000, Patient I was transferred to a hospital and his physical therapy treatments with the Respondent were discontinued. There is no documentation in Patient I's treatment records that the Respondent completed a discharge summary once she discovered that Patient I had been transferred to the hospital.

PATIENT J

29. Patient J, a 69 year old male was referred to North Arundel after total knee replacement surgery. Patient J was initially evaluated by the Respondent on January 5, 2000.

30. Although Patient J's last physical therapy treatment was January 21, 2000, there is no indication in Patient J's treatment record that the Respondent completed a discharge summary or informed Patient J's physician that Patient J was being discharged from physical therapy treatment.

PATIENT K

31. Patient K, a 79 year old female, was referred to North Arundel. Patient K

was initially evaluated by the Respondent on November 18, 1999. After the initial evaluation, the Respondent recommended to Patient K's physician that Patient K receive physical therapy treatment 1-3 days per week. Based on the Respondent's recommendation, Patient K's physician signed an order authorizing Patient K's physical therapy treatment for 1-3 days per week.

32. During the week of January 24, 2000, Patient K did not receive physical therapy treatment even though the physician's order indicated that Patient K was to receive physical therapy treatment at least 1-3 days per week.

33. There is no documentation in Patient K's treatment records that the Respondent got an order from Patient K's physician to reflect the change in the frequency of Patient K's physical therapy treatment.

PATIENT L

34. Patient L, a 4 month old male was referred to North Arundel suffering from Laryngomalacia. Patient L was initially evaluated by the Respondent on December 8, 1999. After the initial evaluation, the Respondent recommended to Patient L's physician that Patient L receive physical therapy treatment one day per week. Based on the Respondent's recommendation, Patient L's physician signed an order that authorized Patient L to receive physical therapy treatment one day per week.

35. Patient L's treatment records reveal that the Respondent was scheduled to see Patient L for physical therapy treatment on January 24, 2000. Patient L did not receive physical therapy treatment on January 24, 2000.

36. Patient L received his last physical therapy treatment from the Respondent on January 22, 2000. There is no documentation in Patient L's treatment records explaining why Patient L did not receive physical therapy treatment after January 22, 2000.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. §§ 13-316(14), (16), (20), (26) and Code Md. Regs. tit. 10, §§ 38.03.02(a) and 38.03.02-1.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of March 2002, the Board on the affirmative vote of a majority of its members then serving, hereby

ORDERED that the Respondent's license to practice physical therapy is hereby **SUSPENDED** for one (1) year with all but sixty (60) days **STAYED**. The unstayed portion of said suspension period shall begin on June 1, 2002; and be it further

ORDERED that during the unstayed portion of said suspension the Respondent shall enroll in and successfully complete a Board-approved documentation course, and the Maryland physical therapy law course; and be it further *attended law course 6/27/02*

ORDERED that following the completion of the unstayed portion of said suspension, the Respondent shall be placed on **PROBATION** for a period of two (2) years, subject to the following conditions:

1. The Respondent shall enroll in and successfully complete a Board-approved ethics course, and *attended 6/27/02*
2. The Respondent shall submit quarterly employer reports utilizing reporting forms which will be provided by the Board; and be it further

ORDERED that if the Respondent fails to comply with the terms or conditions of probation set forth above, then her failure shall be deemed a violation of this Consent

Order; and be it further

ORDERED that the Respondent shall practice physical therapy in accordance with the Maryland Physical Therapy Act, and in a competent manner; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including the probationary terms or conditions as set forth herein, then the Board, after a determination of violation and notice, and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Title 13 of the Health Occupations Article, Annotated Code of Maryland or the regulations thereunder, the Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to practice physical therapy; and be it further

ORDERED that only after the Respondent has completed her two (2) year probationary period, the Respondent may petition the Board for termination of the probationary status and reinstatement of her license without any conditions or restrictions,

provided that she has fulfilled all the terms and conditions of probation set forth herein, is not in violation of this Consent Order, and there are no outstanding complaints against the Respondent. If the Board determines that the terms of probation have not been successfully completed, then the Board may modify one or more conditions upon which the Respondent was placed on probation, upon notice to the Respondent. However, if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

March 19, 2002
Date

Mindy Sacks, PTA
Mindy Sacks, PTA
Chairperson
Board of Physical Therapy Examiners